

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF IOWA

Calvin Hammock,

Plaintiff

v.

No. 3:15 CV 00111 CRW-CFB

NASA Headquarters, et al.,

Defendants

**DECLARATION OF CHRISTOPHER CARDACI IN SUPPORT OF DEFENDANT SPACE EXPLORATION TECHNOLOGIES CORP.'S MOTION TO DISMISS**

I, Christopher P. Cardaci, declare under penalty of perjury as follows:

1. I am an in-house attorney for Space Exploration Technologies Corp. ("SpaceX") located at 1030 15th Street, NW, Suite 220E, Washington DC 20005. I have held this position since March 2013.
2. I make this declaration based on my own personal knowledge and, if called to testify as to the truth of the matters declared herein, I could and would testify competently.
3. SpaceX designs and manufactures advanced rockets and spacecraft that it uses to transport customer payloads to orbit. ([www.SpaceX.com](http://www.SpaceX.com).)
4. SpaceX provided a launch service to NASA on May 22, 2012, pursuant to a contract made under NASA's Commercial Orbital Transportation Services (COTS) program.
5. The launch was from Cape Canaveral in Florida. (<https://www.nasa.gov/content/cots-history-imagery-gallery?id=367210>.) Like all launches from the Cape, SpaceX's May 22, 2012, COTS mission launched in an easterly direction, in this case approximately 40 degrees north of east.

DECLARATION OF CHRISTOPHER CARDACI IN SUPPORT OF  
DEFENDANT SPACE EXPLORATION TECHNOLOGIES CORP.'S MOTION TO DISMISS

(<http://www.scientificamerican.com/article/space-shuttle-weather-florida/>.) It reached orbit at an altitude of about 125 miles above sea level at a downrange distance of approximately one thousand miles northeast of Cape Canaveral. ([https://www.nasa.gov/pdf/649910main\\_cots2\\_presskit\\_051412.pdf](https://www.nasa.gov/pdf/649910main_cots2_presskit_051412.pdf), at 4.)

6. Davenport, Iowa is about 1070 miles northwest of Cape Canaveral. (<http://freemileagecalculator.com/miles-from-davenport-ia-to-cape-canaveral-fl>.)
7. I have been informed by guidance navigation and control engineers at SpaceX that at no point during the launch would SpaceX's launch vehicle have had a direct line of sight to Davenport, Iowa; that is, Davenport would at all times have been below the horizon from SpaceX's launch vehicle (and vice versa). Accordingly, it would have been physically impossible to direct a beam, like a laser, from SpaceX's launch vehicle to Plaintiff's basement.
8. SpaceX does not have and has never had continuous and systematic general business contacts within Iowa.
9. With the possible exception of making phone calls or sending emails, SpaceX has never intentionally sent masers, lasers, pain waves, or any other propagating waves towards Iowa, and it did not do so on May 22, 2012.
10. Plaintiff served SpaceX on November 18, 2015, with 99 pages of documents, including the original complaint.
11. Following receipt of the original Complaint, I checked the docket for this action on Westlaw and saw that an amended complaint had been filed. Specifically, the docket entry states:

AMENDED COMPLAINT AGAINST CALVIN HAMMOCK, AMERICAN WATER IOWA, APPLE, BLACKBERRY (CURVE) CORPORATION, DEPARTMENT OF DEFENSE, MEDIACOM WIFI, NASA HEADQUARTERS, SPACE EXPLORATION

TECHNOLOGIES SPACE X, UNKNOWN DEFENDANTS, VIRGIN MOBILE. FILED BY CALVIN HAMMOCK. (BP ) (ENTERED: 10/26/2015)

12. I did not notice the cryptically entitled document, "Amend to Complaint and Exhibits", included in the original service package and assumed that Plaintiff would serve the amended complaint in its entirety. This document is not a stand alone pleading as required by LR 15 ("amended or supplemented pleading...must reproduce the entire new pleading"). I therefore did not file SpaceX's 12(b) motion immediately.
13. It was only after Plaintiff served SpaceX with his motion for default judgment that I realized that his purported amended complaint was buried among the materials served on November 18, 2015.



---

Christopher Cardaci

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing "DECLARATION OF CHRISTOPHER CARDACI IN SUPPORT OF DEFENDANT SPACE EXPLORATION TECHNOLOGIES CORP.'S MOTION TO DISMISS" was mailed to the parties to this action on December 16, 2015, at the following addresses:

Calvin Hammock  
5106 Brown Street  
Davenport, IA 52806

NASA  
Charles Bolden, Administrator  
300 E Street, NW  
Washington DC 20024-3210

Department of Defense  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Apple  
1 Infinite Loop  
Cupertino, CA 95014

Blackberry (Curve) Corporation  
6700 Knoll Ctr Pkwy, #200  
Pleasanton, CA 94566

Mediacom WiFi  
One Mediacom Way  
Mediacom Park, NY 10918

American Water Iowa  
1025 Laurel Oak Rd  
Vorhees, NJ 08043

  
Christopher Cardaci, Senior Counsel  
Space Exploration Technologies Corp., *pro se*  
1030 15th Street NW Suite 220E  
Washington DC 20005  
202-649-2716 (o)  
202-285-8834 (m)